

## **REGULAR MEETING AGENDA**

Wednesday, June 23, 2004 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

### **EXECUTIVE SESSION**

To discuss pending litigation with Town Attorney Jim Murphy and Planning and Zoning Director Jeremy Ginsberg.

### **CONTINUATION OF PUBLIC HEARINGS**

Opened on June 16, 2004 and immediately continued to tonight, June 23, 2004. Since no testimony, comment, or additional information was provided to the ZBA on June 16<sup>th</sup>, the seated ZBA members for these requests are Dick Sanford, Vic Capellupo, Al Tibbetts, Everett Drugge, and Peter Thoren. These hearings must be completed by July 21, 2004 (within 35 days after their June 16<sup>th</sup> opening).

#### **CALENDAR NO. 42-2004**

The application of Patterson Bigosinski Architects on behalf of Frank A. Miller and Number 1335-Fam, LLC dba Darien Automotive Group filed on May 19, 2004 for variations of Sections 923.1b and 926.4 of the Darien Zoning Regulations to allow the installation of 4 wall signs with 2 figure/logos. Section 923.1b: 20 in lieu of 10" maximum figures/logos height; and Section 926.4: 4 in lieu of 1 maximum number of wall signs. The property is situated on the north side of Boston Post Road at the northwest corner formed by the intersection of Boston Post Road and Thorndal Circle and is shown on Tax Assessor's Map #39 as Lot #18A, being 1335 Boston Post Road and located in an SB (commercial) Zone.  
**CALENDAR NO. 43-2004**

The application of Rucci, Burnham, Carta & Edelberg on behalf of Janice A. Mahaney filed on May 19, 2004 for an interpretation of Sections 210 and 371; and variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one-half story residence. Sections 210 and 371: an interpretation that the proposed eyebrow windows are acceptable

architectural features exempt from the building height regulations; Section 334: construction on a portion of the lot with 100.0 in lieu of 150.0 feet minimum required lot width; Section 406: 25.4 in lieu of 40.0 feet minimum required rear yard setback to the west property line; 19.4 in lieu of 40.0 feet minimum required rear yard setback from the east property line; 32.0 in lieu of 30.0 feet maximum building height for an exercise room roof tower; and if necessary 33.5 in lieu of 30.0 feet maximum building height for the eyebrow windows. The property is situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Tax Assessor's Map #57 as Lot #43, being 26 Shipway Road and located in an R-1 (residential) Zone.

### **PUBLIC HEARINGS**

#### CALENDAR NO. 35-2004

The application of Doug MacMillan on behalf of Paul & Patricia Uhlman filed on April 21, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of one and one-half, and two story additions. Section 406: 10.0 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the east side of the Rocation Road circle, approximately 700 feet west of the intersection of Rocation Road and Leroy Avenue and is shown on Tax Assessor's Map #18 as Lot #23, being 17 Rocation Road and located in an R-1/2 (residential) Zone.

#### CALENDAR NO. 44-2004

The application of Karen & John Wood filed on May 19, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a one story addition. Section 406: 32.2 in lieu of 35.0 feet minimum required side yard setback. The property is situated on the east side of Mansfield Avenue approximately 250 feet north of the intersection of Half Mile Road and Mansfield Avenue and is shown on Tax Assessor's Map #1 as Lot #139, being 436 Mansfield Avenue and located in an R-2 (residential) Zone.

#### CALENDAR NO. 45-2004

The application of Martin & Mary Skala filed on May 19, 2004 for variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement, accessory, two car garage and shed. Section 334: construction on a building lot with 97.0 in lieu of 100.0 feet minimum required lot width; and Section 406: 5.3 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the west side of Gardiner Street approximately 350 feet south of the intersection of Stanton Road and Gardiner Street and is shown on Tax Assessor's Map #46 as Lot #41, being 21 Gardiner Street and located in an R-1/2 (residential) Zone.

CALENDAR NO. 46-2004

The application of Mark Mohn dba Carpet Resources on behalf of Celeste Garr filed on May 19, 2004 for a variation of Sections 926.3 and 926.4 of the Darien Zoning Regulations to allow the installation of a ground sign in addition to the existing pole sign. Section 926.4 allows one pole sign or one ground sign. Section 926.3: 0.0 in lieu of 30.0 feet minimum required front yard setback; and 6" and 5" in lieu of 4" maximum letter height. The property is situated on the east side of Boston Post Road approximately 500 feet southwest of the intersection of I-95 and Boston Post Road and is shown on Tax Assessor's Map #63 as Lot #6, being 1324 Boston Post Road and located in an SB (commercial) Zone.

CALENDAR NO. 47-2004

The application of Marc Schwartz and All American Pools on behalf of Janet & Doug Pruden filed on May 19, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the installation of a swimming pool. Section 406: 17.4 in lieu of 30.0 feet minimum required front yard setback; and 18.5 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Salt Box Lane at the northeast corner formed by the intersection of Salt Box Lane and Salt Box Lane East and is shown on Tax Assessor's Map #45 as Lot #16, being 24 Salt Box Lane and located in an R-1/3 (residential) Zone.

CALENDAR NO. 48-2004

The application of Stephanie Mark on behalf of Rock Shtufaj and Fairmead Real Estate Assoc., LLC filed on May 19, 2004 for variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a second story addition and a two car, one story garage. Section 334: construction of additional building volume and construction of a structure on a lot with 75.0 in lieu of 150.0

feet minimum required lot width, and with 125.0 in lieu of 150.0 feet minimum required lot depth; and Section 406: 31.4 in lieu of 40.0 feet minimum required front yard setback, 18.1 and 20.1 in lieu of 25.0 feet minimum required side yard setbacks for the second story addition; and 4.0 in lieu of 40.0 feet minimum required rear yard setback, and 4.0 in lieu of 25.0 feet minimum required side yard setback for the one story garage. The property is situated on the west side of Fairmead Road approximately 600 feet south of the intersection of Fairmead Road and Old Kings Highway South and is shown on Tax Assessor's Map #35 as Lot #23, being 19 Fairmead Road and located in an R-1 (residential) Zone.

#### CALENDAR NO. 49-2004

The application of William Ferguson filed on May 19, 2004 for a variation of Section 334 of the Darien Zoning Regulations to allow the construction of a two and one-half story replacement residence. Section 334: 90.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the west side of Beach Drive at the southwest corner formed by the intersection of Beach Drive and Boston Post Road and is shown on Tax Assessor's Map #53 as Lot #20, being 4 Beach Drive and located in an R-1/2 (residential) Zone.

#### CALENDAR NO. 50-2004

The application of Kathy & Rich Jarrett filed on May 19, 2004 for variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of additions and a deck. Section 334: construction of additional building volume on a portion of the lot with 88.0 in lieu of 150.0 feet minimum required lot depth; and Section 406: 22.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Clock's Lane, and 27.2 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the west side of Clock's Lane approximately 500 feet south of the intersection of Clock's Lane and Settler's Trail and is shown on Tax Assessor's Map #64 as Lot #58, being 11 Clock's Lane and located in an R-1 (residential) Zone.

#### GENERAL MEETING

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their legal responsibilities for the overall benefit of the community. Any**

**expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
2. Requested amendment to the approved plans of Calendar No. 85-2002, Carolyn Schoonmaker, 231 Old King's Highway South.
3. Any other business (requires 2/3 vote of members present and voting).